

PATENT

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Applicant(s): Scott H. Mills, et al

Title: FLEXIBLE MULTIPLE SPREADSHEET DATA CONSOLIDATION  
SYSTEM

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BRIEF IN SUPPORT OF APPEAL

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## PATENT

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**I. REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))**

The Real Party in Interest in the present Appeal is **SBC Knowledge Ventures, L.P.**, the assignee, of patent application no. 10/604,608, as evidenced by the assignment set forth at Reel 013847, Frame 0283.

**II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c)(1)(ii))**

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

**III. STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(1)(iii))****A. Total Number of Claims in Application**

There are 18 claims pending in the application (claims 1-4, 6-10, and 12-20).

**B. Status of All the Claims**

Claims 1, 10, and 12 are independent claims. According to pages 2-10 of the Final Office Action dated March 21, 2006, the Examiner states that claims 1-4, 6-10, and 12-20 stand rejected, and are hereby appealed.

**C. Claims on Appeal**

There are 18 claims on appeal (claims 1-4, 6-10, and 12-20).

**IV. STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))**

The claims hereby Appealed are based on the Amendment filed on December 28, 2005. No amendment was offered or entered after the Final Office Action. The claims do not stand or fall together; rather, each claim stands independently.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))**

The subject matter of claim 1 can be summarized as follows:

A method of consolidating data from multiple spreadsheets using a graphical control panel is provided. A selection of a plurality of spreadsheets is received via the graphical control panel. A selection of portions of data from files corresponding to each of the plurality of spreadsheets is also received via the graphical control panel. The method also includes executing automated consolidation of the portions of data. Executing automated consolidation of the portions of data includes retrieving the portions of data, generating at least one final report spreadsheet, and appending the portions of data to the at least one final report spreadsheet.

Claim 1 finds support from at least Figures 3 and 7, and page 3, paragraph [0019], page 6, paragraph [0031] through page 7, paragraph [0036], and page 8, paragraph [0041] through page 9, paragraph [0048].

The subject matter of claim 10 can be summarized as follows:

A software program for consolidating data from multiple spreadsheets is provided. The software program includes a spreadsheet selection procedure for receiving a selection of a plurality of spreadsheets via a graphical control panel. The software program also includes a data selection procedure for receiving, via the graphical control panel, a selection of portions of data from files corresponding to each of the plurality of spreadsheets. The software program also includes a custom search procedure for receiving a selection of at least a portion of each of the selected one or more spreadsheets. The software program further includes a final report spreadsheet generating procedure for generating at least one final report and appending the selected portions of each of the selected plurality of spreadsheets to the at least one final report.

Claim 10 finds support from at least Figures 3-6, and page 3, paragraphs [0018]-[0019], page 4, paragraph [0025], page 6, paragraph [0031] through page 7, paragraph [0036], and page 8, paragraph [0041] through page 9, paragraph [0048].

The subject matter of claim 12 can be summarized as follows:

A multiple spreadsheet data consolidation system is provided. The system includes a monitor, a storage device, and a controller displaying a graphical control panel on the monitor. The graphical control panel includes a spreadsheet selection area for receiving a selection of a plurality of spreadsheets. The graphical control panel also includes a custom search module for receiving a selection of at least a portion of each of the selected plurality of spreadsheets. The controller generates at least one final report spreadsheet and appends the selected portions of each of the selected plurality of spreadsheets to the at least one final report spreadsheet.

Claim 12 finds support from at least Figures 1, and 3-6, and page 3, paragraph [0019], page 4, paragraphs [0023]-[0025], page 6, paragraph [0031] through page 7, paragraph [0036], and page 8, paragraph [0041] through page 9, paragraph [0048].

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))**

A. Claims 1-4, 6-8, 10, 12-14, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,272,628 ("Koss") in view of U.S. Patent Publication No. 2002/0042859 ("Lowry").

B. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of U.S. Patent Publication No. 2002/0083016 ("Dittrich").

C. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of U.S. Patent Publication No. 2003/0149934 ("Worden").

D. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of U.S. Patent No. 5,396,587 ("Reed").

E. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koss in view of Lowry in further view of U.S. Patent Publication No. 2003/0061193 ("Anson").

## VII. ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

Appellant respectfully appeals each of the rejections applied against all claims now pending on appeal.

### A. CLAIMS 1-4, 6-8, 10, 12-14, 16, 17 AND 20 ARE ALLOWABLE OVER KOSS IN VIEW OF LOWRY

Appellant traverses the rejection of claims 1-4, 6-8, 10, 12-14, 16, 17 and 20 under 35 U.S.C. §103(a) over Koss in view of Lowry at page 3 of the Final Office Action.

The Final Office Action fails to establish a *prima facie* case of obviousness, which requires:

- 1) there must be a suggestion or motivation to make the asserted combination, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art;
- 2) there must be a reasonable expectation of success; and
- 3) the alleged combination teach or suggest all the claim limitations.

*See M.P.E.P.* §2142.

Appellant submits that there is no suggestion or motivation to make the asserted combination of Koss and Lowry. Additionally, the asserted combination fails to teach or suggest each of the elements recited in the claims.

### Independent Claim 1



Independent claim 1 recites “receiving, via the graphical control panel, a selection of portions of data from files.” The Final Office Action acknowledges that Koss does not disclose receiving selections via a graphical control panel. *Final Office Action*, p. 4, 2<sup>nd</sup> paragraph.

The Final Office Action asserts that Lowry teaches selecting files using a control panel. *Final Office Action*, p.4, 2<sup>nd</sup> paragraph. Appellant respectfully submits, however, that “selecting files using a control panel,” and “receiving, via the graphical control panel, a selection of portions of data from files” are not the same thing. Whether or not Lowry teaches selecting files using a control panel has no bearing on the second element of claim 1. Lowry does not disclose or suggest receiving, via the graphical control panel, a selection of portions of data from files as recited in claim 1. The Final Office Action fails to provide any argument or support for the proposition that the combination of Koss and Lowry teaches this feature. Because the combination of Koss and Lowry does not teach or suggest at least one element of claim 1, the Final Office Action does not establish a prima facie case of obviousness with regard to claim 1.

Additionally, there is no suggestion or motivation to make the asserted combination of Koss and Lowry. The Final Office Action states that the motivation for making the combination is “so the computer taught by Koss could include a control panel for making selections.” *Final Office Action*, p.4, 2<sup>nd</sup> paragraph. To establish a prima facie case of obviousness, the motivation to combine references must come from either the references themselves or the knowledge generally available to one of ordinary skill in the art. *See MPEP* §2143. When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *MPEP* § 2142 (citing *Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986)). The Final Office Action provides no motivation from the references themselves or from the knowledge generally available to one of ordinary skill in the art to combine Koss and Lowry. The rejection of claim 1, therefore, appears to be based on an impermissible hindsight reconstruction using the Appellant’s own application. For at least the reasons stated above, claim 1 is allowable.

Claims 2-4 and 6-8 depend from claim 1. For at least the reasons stated above, claim 1 is allowable. Therefore, claims 2-4 and 6-8 are allowable at least by virtue of their dependency from claim 1.

Independent Claim 10

Independent claim 10 recites “a data selection procedure for receiving, via the graphical control panel, a selection of portions of data from files.” The Final Office Action acknowledges that Koss does not disclose receiving selections via a graphical control panel. *Final Office Action*, p. 4, 2<sup>nd</sup> paragraph.

The Final Office Actions asserts that Lowry teaches selecting files using a control panel. *Final Office Action*, p.4, 2<sup>nd</sup> paragraph. Appellant submits that “selecting files using a control panel,” and “receiving, via the graphical control panel, a selection of portions of data from files” are not the same thing. Whether or not Lowry teaches selecting files using a control panel has no bearing on the second element of claim 10. Lowry does not disclose or suggest receiving, via the graphical control panel, a selection of portions of data from files as recited in claim 10. The Final Office Action fails to provide any argument or support for the proposition that the combination of Koss and Lowry teaches this feature. Because the combination of Koss and Lowry does not teach or suggest at least one element of claim 10, the Final Office Action does not establish a prima facie case of obviousness with regard to claim 10.

Additionally, as discussed above, there is no suggestion or motivation to make the asserted combination of Koss and Lowry. The rejection of claim 10, therefore, appears to be based on an impermissible hindsight reconstruction using the Appellant’s own application. For at least the reasons stated above, claim 10 is allowable.

Independent Claim 12

Independent claim 12 recites “a controller displaying a graphical control panel on said monitor, said graphical control panel comprising: a spreadsheet selection area for receiving a selection of a plurality of spreadsheets.” The Final Office Action acknowledges that Koss does not disclose a controller displaying a graphical control panel. *Final Office Action*, p. 6, 5<sup>th</sup> paragraph. The Final Office Actions asserts that Lowry teaches a control panel displayed for making file selections. *Final Office Action*, p. 6, 5<sup>th</sup> paragraph. Appellant respectfully submits that “a control panel displayed for making file selections,” does not teach or suggest a graphical control panel “for receiving a selection of a plurality of spreadsheets,” as recited in claim 12.



Appellant acknowledges that a file may contain one or more spreadsheets. However, use of a control panel to make file selections does not teach or suggest receiving a selection of a plurality of spreadsheets. A control panel to make file selections, by its nature, does not allow a user the flexibility to select certain spreadsheets in the file and to not select other spreadsheets in the file. In contrast, a control panel for receiving a selection of a plurality of spreadsheets, as recited in claim 12, allows the user to more finely distinguish which spreadsheets are selected. This fact is further supported by reference to the specification of the present application where care is used to distinguish between selecting files and selecting spreadsheets. *See e.g., Application*, Figure 3, reference numerals 72 and 80. Because the combination of Koss and Lowry does not teach or suggest at least one element of claim 12, the Final Office Action does not establish a *prima facie* case of obviousness with regard to claim 12.

Additionally, there is no suggestion or motivation to make the asserted combination of Koss and Lowry. The Final Office Action states that the motivation for making the combination is "so the computer taught by Koss could include a control panel for making selections." *Final Office Action*, p.7, 1<sup>st</sup> paragraph. As previously discussed regarding the rejection of claim 1, the Final Office Action's asserted motivation for combining Koss and Lowry does not meet the requirements of a proper motivation to combine references. The rejection of claim 12, therefore, appears to be based on an impermissible hindsight reconstruction using the Appellant's own application. For at least the reasons stated above, claim 12 is allowable.

Claims 13-14, 16, 17 and 20 depend from claim 12. For at least the reasons stated above, claim 12 is allowable. Therefore, claims 13-14, 16, 17 and 20 are allowable at least by virtue of their dependency from claim 12.

**B. CLAIM 9 IS ALLOWABLE OVER KOSS IN VIEW OF LOWRY IN FURTHER VIEW OF DITTRICH**

Appellant traverses the rejection of claim 9 under 35 U.S.C. §103(a) over Koss in view of Lowry in further view of Dittrich at page 8 of the Final Office Action.

Claim 9 depends from claim 1. The addition of Dittrich does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 1. That is, Dittrich does not disclose or suggest receiving a selection of portions of data from files

via a graphical control panel. Since Koss and Lowry also do not disclose or suggest receiving a selection of portions of data from files via a graphical control panel, the combination of Koss, Lowry and Dittrich does not teach each of the elements of claim 1. Claim 9 is therefore allowable, at least in light of its dependence from claim 1.

Further, no motivation exists to make the combination asserted in the Final Office Action. As previously discussed, there is no motivation to combine Koss with Lowry. Additionally, there is not motivation to combine Koss with Dittrich. Koss discloses a method and system that "allows the consolidation or aggregation of data in disparate tables into a single aggregate table which summarizes that data." *See* Koss, col. 2, ll. 31-34. Dittrich, on the other hand, is directed to a system for "enabling transactions over a network using multiple channels...." *See* Dittrich, paragraph [0003]. Dittrich should not be combined with Koss, because the aggregated spreadsheets of Koss cannot be used to track an ongoing transaction state, as Dittrich requires. *See* Dittrich, paragraph [0016]. That is, there is no motivation to make the combination asserted in the Final Office Action because combining Koss with Dittrich would change the principle of operation of Dittrich.

Additionally, claim 9 includes further features not found in the cited references. For example, claim 9 recites "storing a custom spreadsheet search associated with said plurality of spreadsheets and said selected portions of data." In contrast to claim 9, Dittrich discloses a user database that stores "preferences of a particular user as to particular types of listings the user has interest in, payment arrangements, preferred contact methods, custom search criteria for listings, and any other information regarding a particular user...." *See* Dittrich, paragraph [0021]. None of the cited references, including Koss, Lowry and Dittrich, disclose or suggest a method that includes storing a custom spreadsheet search associated with a plurality of spreadsheets and selected portions of data from files corresponding to each of the plurality of spreadsheets, as recited in claim 9. Thus, for at least the reasons stated above, claim 9 is allowable.

**C. CLAIM 15 IS ALLOWABLE OVER KOSS IN VIEW OF LOWRY IN FURTHER VIEW OF WORDEN**

Appellant traverses the rejection of claim 15 under 35 U.S.C. §103(a) over Koss in view of Lowry in further view of Worden at page 8 of the Final Office Action.

Claim 15 depends from claim 12. The addition of Worden does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 12. That is, Worden does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets. Since the combination of Koss and Lowry also does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets, the combination of Koss, Lowry and Worden does not disclose or suggest each of the elements of claim 12. Claim 15 is therefore allowable, at least in light of its dependence from claim 12.

Additionally, claim 15 includes further features not found in the cited references. For example, claim 15 recites "said workbook selection area comprises a workbook search in a selected database." The Final Office Action relies on Worden to supply this feature of claim 15 stating that "Worden teaches searching for and selecting a workbook" at p. 45, paragraph [1045]. What Worden at p. 45, paragraph [1045] actually states is: "Hit 'Select Workbook' to browse your file system and select the Excel workbook which will be the map database, in the folder where you put it." That is, Worden discloses browsing for a workbook in a file system, and in particular, accessing the workbook "where you put it." Browsing for a workbook does not disclose or suggest a workbook selection area comprising a workbook search in a selected database. Rather Worden discloses selecting a workbook from a predetermined location in a file system, i.e., "where you put it." Thus, for at least the reasons stated above, claim 15 is allowable.

**D. CLAIM 18 IS ALLOWABLE OVER KOSS IN VIEW OF LOWRY IN FURTHER VIEW OF REED**

Appellant traverses the rejection of claim 18 under 35 U.S.C. §103(a) over Koss in view of Lowry in further view of Reed at page 9 of the Final Office Action.

Claim 18 depends from claim 12. The addition of Reed does not overcome the deficiencies in the combination of Koss and Lowry previously discussed with respect to claim 12. That is, Reed does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets. Since the combination of Koss and Lowry also does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets, the

combination of Koss, Lowry and Reed does not disclose or suggest each of the elements of claim 12. Claim 18 is therefore allowable, at least in light of its dependence from claim 12.

**E. CLAIM 19 IS ALLOWABLE OVER KOSS IN VIEW OF LOWRY IN FURTHER VIEW OF ANSON**

Appellant traverses the rejection of claim 19 under 35 U.S.C. §103(a) over Koss in view of Lowry in further view of Anson at page 9 of the Final Office Action.

Claim 19 depends from claim 12 and adds the additional element of an event logger to the system of claim 12. As previously discussed with respect to claim 12, the combination of Koss and Lowry does not teach or suggest all of the elements of claim 12. That is, Anson does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets. Since the combination of Koss and Lowry also does not disclose or suggest a graphical control panel for receiving a selection of a plurality of spreadsheets, the combination of Koss, Lowry and Anson does not disclose or suggest each of the elements of claim 12. Claim 19 is therefore allowable, at least in light of its dependence from claim 12.

Additionally, the combination does not teach or suggest an event logger as recited in claim 19. The Office Action states that "an event logger as taught by Anson...would allow users to look up past events when necessary. *Final Office Action*, p 10, 1<sup>st</sup> paragraph. Appellant respectfully disagrees. Anson teaches a system and method for filtering data in a data set. *Anson*, Abstract. The system and method of Anson may take textual data as in input, for example, an event log. *Anson*, p. 3, paragraph [0032]. Anson does not appear to disclose how the event log is created, merely that an event log may exist. For example, the event log of Anson may be generated by manual entry of one or more events into a data file. The event log text data of Anson therefore does not teach or suggest a multiple spreadsheet data consolidation system having an event logger, as recited in claim 19. Claim 19 is therefore allowable.

For at least the foregoing reasons, Appellant respectfully submits that the present application is in condition for allowance and reconsideration is respectfully requested.

**VIII. CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))**

The text of each claim involved in the appeal is as follows:

1. (Previously presented) A method of consolidating data from multiple spreadsheets comprising:
  - receiving a selection of a plurality of spreadsheets via a graphical control panel;
  - receiving, via the graphical control panel, a selection of portions of data from files corresponding to each of said plurality of spreadsheets; and
  - executing automated consolidation of said portions of data comprising:
    - retrieving said portions of data;
    - generating at least one final report spreadsheet; and
    - appending said portions of data to said at least one final report spreadsheet.
2. (Previously presented) A method as in claim 1 further comprising receiving a selection of at least one workbook.
3. (Previously presented) A method as in claim 1 further comprising receiving a selection of at least one open workbook or stored workbook.
4. (Previously presented) A method as in claim 1 further comprising receiving a selection of at least one worksheet.
5. (Cancelled)
6. (Previously presented) A method as in claim 1 wherein receiving a selection of portions of data comprises selecting at least one of rows, columns, cells, tables, filenames, workbook names, worksheet names, and spreadsheet names of at least one file corresponding to said plurality of spreadsheets.
7. (Previously presented) A method as in claim 1 wherein receiving a selection of portions of data comprises searching for desired text within said plurality of spreadsheets.



8. (Original) A method as in claim 1 further comprising appending data to said at least one final report spreadsheet that is not within said plurality of spreadsheets.

9. (Original) A method as in claim 1 further comprising storing a custom spreadsheet search associated with said plurality of spreadsheets and said selected portions of data.

10. (Previously presented) A software program for consolidating data from multiple spreadsheets comprising:

- a spreadsheet selection procedure for receiving a selection of a plurality of spreadsheets via a graphical control panel;

- a data selection procedure for receiving, via the graphical control panel, a selection of portions of data from files corresponding to each of said plurality of spreadsheets;

- a custom search procedure for receiving a selection of at least a portion of each of said selected one or more spreadsheets; and

- a final report spreadsheet generating procedure for generating at least one final report and appending said selected portions of each of said selected plurality of spreadsheets to said at least one final report.

11. (Cancelled)

12. (Previously presented) Multiple spreadsheet data consolidation system comprising:

- a monitor;

- a storage device; and

- a controller displaying a graphical control panel on said monitor, said graphical control panel comprising:

- a spreadsheet selection area for receiving a selection of a plurality of spreadsheets;

- a custom search module for receiving a selection of at least a portion of each of said selected plurality of spreadsheets; and

- said controller generating at least one final report spreadsheet and appending said selected portions of each of said selected plurality of spreadsheets to said at least one final report spreadsheet.



13. (Original) A system as in claim 12 wherein said spreadsheet selection area comprises a workbook selection area.
14. (Original) A system as in claim 13 wherein said workbook selection area comprises an open workbook selection.
15. (Original) A system as in claim 13 wherein said workbook selection area comprises a workbook search in a selected database.
16. (Original) A system as in claim 12 wherein said spreadsheet selection area comprises a worksheet selection area.
17. (Original) A system as in claim 16 wherein said spreadsheet selection area comprises a worksheet subset selector.
18. (Original) A system as in claim 12 further comprising a status indicator.
19. (Original) A system as in claim 12 further comprising an event logger.
20. (Previously presented) A system as in claim 12 further comprising at least one window for receiving a selection of said plurality of spreadsheets and said at least one portion of each of said selected plurality of spreadsheets.

**IX. EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))**

(N/A)

**X. RELATED PROCEEDINGS APPENDIX (37 C.F.R. § 41.37(c)(1)(x))**


(N/A)

**XI. CONCLUSION**

For at least the above reasons, all pending claims are allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated. Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

6-23-2006  
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